

-----X Case No. 08-civ-6992

JOSEPH KOWALCZYK and ALIL PERICIC,

Plaintiffs,  
-against-

JOHN BARBARITE, SUE FLORA, GORDON JENKINS  
and THE VILLAGE OF MONTICELLO, a municipality  
of the State of New York,

Defendants.

-----X  
AFFIDAVIT OF SERVICE  
OF SUMMONS & COMPLAINT

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SULLIVAN )

PHIL MULLEN, being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides at 174 Dwyer Avenue, Liberty, New York.

That on August 12, 2008 at 10:30 A.M., at 2 Pleasant Street, Monticello, NY 12701, deponent served the within summons and complaint on VILLAGE OF MONTICELLO, defendant therein named,

INDIVIDUAL  
1.

by delivering a true copy of each to said defendants personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION  
2.

a municipal corporation, by delivering thereat a true copy of each to EDITH SCHOP, personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be Village Clerk thereof.

SUITABLE  
AGE PERSON  
3.

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's--actual place of business--dwelling house--usual place of abode--within the state.

AFFIXING TO  
DOOR, ETC.  
4.

by affixing a true copy of each to the door of said premises, which is defendant's--actual place of business--dwelling house--usual place of abode--within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion, thereat, having called there

MAILING  
USE WITH  
3 or 4

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to defendant at defendant's last known residence, at and deposited said wrapper in -- a post office -- official depository under exclusive care and custody of the United States Postal Service within New York State.

DESCRIPTION  
USE WITH

Deponent describes the individual served as follows:

|                                  |                                     |                                     |                                     |                                     |                                    |   |
|----------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|------------------------------------|---|
| <input type="checkbox"/> Male    | <input type="checkbox"/> White Skin | <input type="checkbox"/> Black Hair | <input type="checkbox"/> White Hair | <input type="checkbox"/> 14-20 Yrs. | <input type="checkbox"/> Under 5'  | <input type="checkbox"/> Under 100 Lbs. |
| <input type="checkbox"/> Female  | <input type="checkbox"/> Black Skin | <input type="checkbox"/> Brown Hair | <input type="checkbox"/> Balding    | <input type="checkbox"/> 21-35 Yrs. | <input type="checkbox"/> 5'0"-5'3" | <input type="checkbox"/> 100-130 Lbs.   |
|                                  |                                     |                                     |                                     |                                     |                                    |   |
| <input type="checkbox"/> Glasses | <input type="checkbox"/> Brown Skin | <input type="checkbox"/> Gray Hair  | <input type="checkbox"/> Mustache   | <input type="checkbox"/> 36-50 Yrs. | <input type="checkbox"/> 5'4"-5'8" | <input type="checkbox"/> 131-160 Lbs.   |
|                                  |                                     |                                     |                                     |                                     |                                    |   |
|                                  | <input type="checkbox"/> Red Skin   | <input type="checkbox"/> Red Hair   | <input type="checkbox"/> Beard      | <input type="checkbox"/> 51-65 Yrs. | <input type="checkbox"/> 5'8"-6'0" | <input type="checkbox"/> 161-200 Lbs.   |
|                                  |                                     |                                     |                                     |                                     |                                    |   |
|                                  |                                     |                                     |                                     | <input type="checkbox"/> Over 65Yrs | <input type="checkbox"/> Over 6"   | <input type="checkbox"/> Over 200 Lbs.  |
|                                  |                                     |                                     |                                     |                                     |                                    |   |

Other Identifying features:

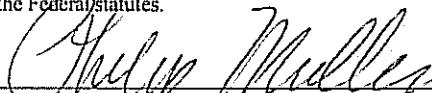
USE IN  
NYC CIVIL CT.

The language required by NYCRR 2900.2(c), (1) & (h) was set forth on the face of said summons(es).

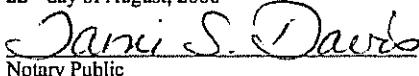
MILITARY  
SERVICE

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

  
Print name beneath signature  
PHILIP E. MULLEN

Sworn to before me this  
22<sup>nd</sup> day of August, 2008

  
TAMI S. DAVIS  
Notary Public

TAMI S. DAVIS  
Notary Public, State of New York  
Sullivan County Clerk's #2071  
Commission Expires June 5, 2011